

REMARKS

In response to the Patent Office Letter of March 16, 2005, the Applicants respectfully request reexamination and reconsideration. To further the prosecution of this application, amendments have been made in the claims and arguments are submitted herewith. It is noted that the Examiner has already indicated allowable subject matter in previously submitted claims 12-14.

In the Patent Office Letter, the Examiner has presented a rejection under 35 U.S.C. §112, second paragraph. This has been a rejection of claims 2, 3, 9 and 19-25. Appropriate amendments have been made in claims 2 and 19 so that there is now a proper antecedent basis for the terms that are defined therein. In claim 2 the term "lens" has been changed to --protective element--, in order to be consistent with claim 1. In claim 19 the term "lens" has been changed to --protective element-- so that the claim language is consistent.

In paragraph 4 of the Patent Office Letter, the Examiner has set forth a rejection of claims 1, 5-10, 19, 20, 22, 24 and 25 under 35 U.S.C. §102(b) as being anticipated by the Malcom U.S. Patent 2,631,287. In view of amendments that have been made in the claims herein, it is believed that this rejection is now moot.

In the Patent Office Letter, the Examiner has rejected claims 2, 3 and 21 under 35 U.S.C. §103(a) citing the further patent to Lowe et al. Although the Lowe et al. patent shows the use of lugs 17, these are not placed in the same manner as in accordance with the present invention and as now claimed. In Fig. 2 of the Lowe et al. patent referenced by the Examiner, the lug 17b is on a side wall and not a top or bottom of the frame. In the present invention, particularly in claim 3, there is defined an upper detent supported on approximately the center of the upper inner edge of the frame and a lower detent supported on approximately the center of the lower inner edge of the frame. The lugs 17 in Lowe et al. are not provided in those positions. These positions are advantageous in accordance with the present invention to provide an ease of installation of the lens in the frame structure.

In the Patent Office Letter the Examiner has also rejected claims 4 and 23 under 35 U.S.C. 103(a) further citing the patent to Hodnett. The Examiner has in particular referred to the "ridge 11" of Hodnett. Reference character 11 in Hodnett does not refer to a ridge but instead

refers to a tapered track slot. Fig. 4 of Hodnett shows a tapered track slot defined by facing track flanges 12. There is no teaching of transverse spacedly disposed ridges as now claimed in present claim 4.

In the Patent Office Letter the Examiner has rejected claims 11 and 15 under 35 U.S.C. 103(a) further citing the patent to Del Bon et al. Although the Del Bon et al. patent does show some form of adjusting means, it is far more complicated than the single knob adjustment of the present invention. The Del Bon et al. patent does not show a support structure that includes a mounting member that, in turn is comprised of a fixed mounting element secured to an inner surface of the frame and a corresponding adjustable mounting element secured to an outer surface on opposite sides of the support structure. This patent also does not show means for selectively interconnecting the fixed and adjustable mounting elements via the adjusting knob. Moreover, this patent does not show engageable notch and pin means for setting different relative positions between the frame and support structure.

In the Patent Office Letter, the Examiner has indicated that claims 12-14 are allowable once rewritten into independent form. Claim 12 includes the limitation of a pin that is selectively engageable with at least two notches in order to restrain the face shield in one of an upper or lower position.

Reference is now made to the amendments in the claims. In claim 1 an amendment has been made to introduce language like that found in allowable claim 12. Thus, claim 1 defines a support structure as including a fixed mounting member that cooperates with an adjustable mounting member in which the members are supported between an inner surface of the frame and opposite surface of the support structure. Claim 1 also defines the mounting member as further including a pin that is selectively engageable with at least two notches in order to restrain the face shield in one of an upper or lower position. In view of the indication of allowable subject matter of claim 12, it is believed that claim 1 and any of its dependent claims should also now all be condition for allowance.

Claim 3 has been rejected on the basis of the Lowe et al. patent. Refer to our previous discussion relating to that patent. Claim 3 has now been amended into independent form and is believed to be patentably distinguishing over the combination relied upon by the Examiner.

Claim 4 has been rejected by the Examiner on the basis of the Hodnett patent. Refer to the previous discussion relating to that patent. Claim 4 has been put into independent form and furthermore has been amended to now indicate that the lip includes a plurality of spacedly disposed transverse ridges that project into the channel. Such structure is not found in the Hodnett patent whether taken singly or in combination with the Malcom patent.

Claims 9 and 11 have been further amended to clarify the claims. In view of the amendments to claim 1, claim 10 has now been cancelled from the application.

Claim 12 has been amended into independent form. Again, this has been indicated as containing allowable subject matter. Claims 13 and 14 depend from claim 12 and thus also should be found in allowable condition.

Claim 15 has been rejected on the basis of the Del Bon et al. patent. Claim 15 remains in the application as a claim dependent from claim 11 which in turn is dependent from claim 1. Accordingly, claim 15 should be allowable for reasons previously stated. In addition, claim 19 has been amended to clearly distinguish over the Del Bon et al. patent in that the mounting member is now defined as comprising a fixed mounting element secured to an inner surface of each side portion of the frame and a corresponding adjustable mounting element secured to an outer surface on the opposite sides of the support structure. Moreover, claim 19 defines the adjustable mounting element as further comprising at least a pair of mounting holes selectively engageable with at least the adjusting knob constructed and arranged to allow the user to adjust the spacing of the protective element relative to the user's face. This combination is not taught by the Del Bon et al. patent even if taken in combination with the Malcom patent. Even though the Del Bon et al. patent does show the use of holes, they do not teach the fixed and adjustable mounting elements, nor do they teach a pair of mounting holes in an adjustable mounting element. In Del Bon et al. the holes 35 are in the fixed helmet structure. Accordingly, claim 19 should be found in condition for allowance as well as the claims that are dependent thereto.

The Applicant has also added one other independent claim to the application, namely claim 28 along with dependent claims 29 and 30. Claim 28 contains many of the same limitations as previously referenced in claim 19 and it should be found allowable over the prior art cited by the Examiner. Claim 28 recites, for example, a single adjusting knob. In the Del

Bon et al. patent they require a pair of knobs. Claim 28 also recites the fixed and adjustable mounting elements and means for selectively interconnecting these elements via the adjusting knob. Claim 29 further recites engageable notch and pin means for setting different relative positions between the frame and support structure. With these limitations in claim 28, it is believed that this claim is clearly patentably distinguishable over the prior art relied upon by the Examiner.

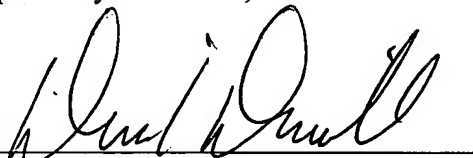
CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully submit that all of the claims pending in the above-identified application, namely claims 1-9, 11-15, 19-24 and 26-29 are in condition for allowance and a notice to that affect is earnestly solicited.

If the case is found by the Examiner not to be in condition for allowance, then Applicants hereby request a telephone or personal interview to facilitate the resolution of any remaining matters. Applicants' attorney may be contact by telephone at the number indicated below to schedule such an interview.

The Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our Deposit Account No. 19-0120.

Respectfully submitted,

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